

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAREN R. JAMES,

Plaintiff,

Case No. 07-14129

v.

Honorable John Corbett O'Meara

MICHIGAN BELL TELEPHONE
COMPANY,

Defendant.

SECOND ORDER OF PARTIAL DISMISSAL

Plaintiff Karen R. James filed an amended complaint in this matter May 14, 2008, alleging 14 causes of action.¹ The suit alleges discrimination on the basis of race, sex, and disability, as well as retaliation, under Title VII and the Americans with Disabilities Act, 42 U.S.C. §§ 12101 *et. seq.* The second Count IX and Counts X through XIII are brought under Michigan law.

While the claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations in the second Count IX and Counts X through XIII of the complaint present claims based only on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claim. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367©. Accordingly, it is hereby **ORDERED** that the second Count IX and Counts X through XIII are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: June 4, 2008

¹There are two counts of the amended complaint designated Count IX.

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 4, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager